

BOARD OF CODE STANDARDS AND APPEALS

MINUTES

August 7, 2006

Members: Francisco Banuelos, Randy Coonrod, Randy Harder, Richard Hartwell, Bernie Hentzen, Gerald Herzberg, Ed Murabito, Warren Willenberg, John Youle

Present: Banuelos, Coonrod, Hentzen, Hartwell, Murabito, Willenberg

Absent: Harder, Herzberg, Youle

Staff Members Present: Kurt Schroeder, Deb Legge, Maria Bias, Elaine Hammons

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Murabito on Monday, August 7, 2006, at 1:31 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

1. Approval of the Minutes of the July 10, 2006, meeting.

Board Member Hartwell made a motion to approve the minutes as submitted. Board Member Hentzen seconded the motion. The motion carried, unopposed.

2. Approval of the August, 2006, license examination applications as follows:

There were no applications for license examination for August, 2006.

3. Condemnation Hearings

Review Cases:

1. 1134 N. Poplar

There was no one present to represent this property.

There has been no change in the condition of this property.

Board Member Coonrod made a motion to send the property before the City Council with a recommendation of ten days to start demolition and ten days to complete demolition. Board Member Hartwell seconded the motion. The motion carried, unopposed.

New Cases:

2. 221 N. Spruce

There was no representative appearing on behalf of this property.

After viewing the slides provided by Ms. Bias, Board Member Hartwell made a motion to refer the property to the City Council for condemnation; ten days to begin demolition and ten days to complete demolition. Board Member Coonrod seconded the motion. The motion carried.

3. 2007 E. 11th

There was no one present to represent this property.

Ms. Legge informed the Board that she had received a letter from the current owner, who purchased it in a tax sale. The owner was out of state at a funeral and could not attend the hearing. In his letter, the owner stated that he intended to repair the structure, but had been advised by the Sedgwick County Sheriffs' Office not to initiate any repairs to the property for at least thirty to sixty days; therefore, the owner requested a thirty day extension from the Board so that he could appear at the next scheduled meeting to apprise the Board of his plans for the property.

Board Member Hartwell made a motion to defer action on this property until the September, 2006, hearing, and that the premise be cleaned and secured in the meantime. Board Member Banuelos seconded the motion. Ms. Bias interjected that the owner had already sent people to the site to begin the clean up when he contacted Central Inspection the previous Friday. Chairman Murabtio called for a vote on the motion. The motion was approved, unanimously.

4. 1055 N. Green

No one attended the hearing to represent this property.

This structure is a one-story frame dwelling about 30 X 33 feet in size. It has been vacant for approximately five years. It has deteriorated and rotted siding; deteriorated concrete porches; shifting block foundation; and deteriorated wood trim.

The active file was initiated in 1991, and the property was occupied at that time. At one point, the occupant told Central Inspection that he was buying the property on contract. Some minor repairs and painting were done over a period of time, and the garage was demolished in September of 1997.

A Pre-condemnation letter was issued on June 21, 2004. An emergency board up was done after the property was vacated and left open. In August of 2005, Central Inspection requested that Westar Energy, the electric utility, remove the service drop because it was hanging dangerously low to the ground.

On March 21, 2006, a Pre-condemnation letter was reissued and formal condemnation proceedings were initiated on July 5, 2006. The taxes for 2004 and 2005 are delinquent.

There are tall grass and weeds and tree saplings on the premises. No repairs have been made. The rear window has been broken out.

Board Member Coonrod made a motion to send the property to the City Council for ten and ten, ten days to start demolition and ten days to complete demolition. Board Member Willenberg seconded the motion. The motion carried.

5. 1625 N. Grove

There was no one appearing at the meeting to represent this property.

This is a one-story frame dwelling, 24 X 34 feet in size. It has been vacant for about two years. The composition roof is deteriorated; there are broken and missing siding shingles; the concrete front porch is deteriorated; the block foundation is shifting; and there are rotted wood trim and rafter tails.

The active file was started on this property on March 29, 2004. There have been numerous Notices of Improvement and Notices of Violations, which have been signed for upon receipt; however, Central Inspection has received no response. A Pre-condemnation letter was issued on March 11, 2005, for the accessory building; the accessory building was demolished by Environmental Services, City of Wichita, on April 22, 2005, as a nuisance abatement. An emergency board up was performed on the house on February 11, 2006; a Pre-condemnation letter was issued on February 24, 2006. The 2005 taxes are delinquent.

The premise condition is good; however, there is one inoperable vehicle in the driveway. There have been no repairs to the structure. The structure is secure.

Board Member Coonrod made a motion to refer the property to the City Council for demolition action, ten days to start demolition and ten days to complete demolition. Board Member Hentzen seconded the motion. The motion was approved.

6. 2302 N. Piatt

There were no representatives present at the hearing.

This one-story frame dwelling is approximately 24 X 30 feet in size, vacant for about four years. The composition roof is deteriorated; there are broken and missing siding shingles; the concrete front porch is also deteriorated; it has a badly shifting block foundation; there are rotted soffit, fascia and wood trim. The 14 X 22 foot accessory structure is dilapidated.

The active file was begun in 1996, and there have been several notices issued. Although the case has gone to court, the case was dismissed; Ms. Legge was unable to ascertain the circumstances surrounding the dismissal.

Additional notices were issued and were unclaimed.

Board Member Hartwell made a motion to send this case to the City Council for ten and ten; ten days to start demolition action and ten days to complete demolition. Board Member Willenberg seconded the motion.

Board Member Hartwell inquired whether the Board had the authority to have the inoperable vehicle removed from the site. Ms. Legge replied that although Central Inspection could not have the vehicle removed, Environmental Services could place a placard on the vehicle, warning the owner to remove it. If the vehicle owner neglected to remove it, Environmental Services could have it towed as a nuisance abatement.

Chairman Murabito called for the vote on the motion. The motion passed, unopposed.

7. 814 W. Clark

There was no representative in attendance for this property.

This structure is approximately 27 X 33 feet in size. It is a one-story frame dwelling that has been vacant for at least eleven years. The composition roof is deteriorated; there are broken and missing siding shingles; there are missing windows; there is rotted and missing wood trim; the 12 X 14 foot accessory building is also dilapidated.

The active file was initiated on this property in 1995 after an interior fire. This property is part of an estate with several heirs. There have been several Notices of Improvement and Violation Notices issued on this property.

One of the heirs to the property has taken out a permit for repairs to the structure that include a partial reroof (the front slope of the roof had been repaired at an earlier date), siding replacement and some framing. There are delinquent taxes owed for 2004 and 2005.

Currently there is siding and roofing debris in the yard, and there is bulky waste in a trailer that is parked in the driveway. There is some work in progress; the structure is secure.

A motion was made by Board Member Hartwell to allow thirty days to finish the exterior repair or the property will be sent to the City Council for condemnation action, ten days to start demolition and ten days to complete demolition. Board Member Banuelos seconded the motion. The motion was approved.

8. 520 W. Clark

There was no one present as a representative for this property.

This one-story frame dwelling is 26 X 40 feet in size; it has been vacant for two years; there are broken and missing siding shingles; the structure has broken windows; there is rotted wood trim; the 21 X 30 foot accessory garage is also deteriorated.

There has been a housing case on this property since January of 2000. It was previously owner occupied. The owner had made most of the necessary repairs at one point, and the case was near completion; however, there were a few minor repairs needed on the exterior that prevented the case from being closed. In August of 2005, the owner contacted Central Inspection to advise that the property was being lost in foreclosure.

A Pre-condemnation letter was issued on June 5, 2006, along with a violation notice to order the building secured. No change to the structure has occurred since the notice was issued to secure the dwelling. The taxes for 2004 and 2005 are delinquent. There are trees and bushes that are overgrown, as well as weeds on the premises. No repairs have been made, and there are windows that have been broken and graffiti on the structure.

Board Member Willenberg made a motion to send the property to the City Council with a recommendation of ten and ten, ten days to start demolition and ten days to complete demolition. Board Member Hentzen seconded the motion. The motion carried, unopposed.

9. 1828 S. Santa Fe

There was no one attending the hearing to represent this property.

This one-story frame dwelling is 32 X 30 feet in size. It is currently vacant. The composition roof is deteriorated; the interior of the structure is fire damaged; the accessory building, 22 X 20 feet, is also deteriorated.

In October of 2005 an active file was started on this property; a Notice of Improvement was issued at that time. There was no response to that notice. On December 29, 2006, a Notice of Violation was issued, which was unclaimed and returned to Central Inspection. A Pre-Condensation letter was issued on February 2, 2006; on February 11, 2006, an emergency board up was done at the cost of \$252.11.

Board Member Banuelos made a motion to refer the property to the City Council for demolition action, ten days to start demolition and ten days to complete demolition. Board Member Coonrod seconded the motion. The motion was passed without opposition.

10. 4031 E. Stearman

There was no one appearing at the meeting on behalf of this property.

Ms. Legge told the Board that a letter had been sent by the purchaser of this property, explaining that the previous owner had been indicted on criminal charges for money laundering and drug trafficking. A lien is pending on this property through the United States District Court because of the federal charges. The purchaser had not received word as to whether the property would be released, or whether it would remain in the possession of the United States District Court. The new owner requested that an extension on the repairs of the structure be granted until such time as the United States District Court makes a determination on the release of the property. The new owner does not want to put money into repairs and then lose the property due to the outcome of the pending litigation involving the previous owner.

Board Member Banuelos made a motion that the Board defer action on the property for thirty days, requiring that the premise be mowed and secured in the meantime, to allow the purchaser the opportunity to resolve the status of ownership. Board Member Hentzen seconded the motion. The motion carried unanimously.

Board Member Coonrod interjected that during his previous tenure as a member of the Board of Code Standards and Appeals, it was customary for the Board to stipulate that any delinquent taxes be paid when granting an extension for repairs to a property owner. The condition, Board Member Coonrod defined, was usually in addition to the requirement of securing and maintaining the premises. The provision was intended to make the owner aware that the taxes had to be current in order to obtain an extension from the Board. In some instances, owners decided that it was not financially beneficial to them to pay the delinquent taxes and put money into extensive repairs on a particular property. Mr. Schroeder agreed that the payment of delinquent taxes was in keeping with the City Council's policy on granting extensions for repairs.

Board Member Coonrod made a request that the Board hear an update on the matter of Ms. Janice Kirk's appeal against Mr. Tim Henry d/b/a American Builders, LLC, at the September, 2006, hearing.

With no other business to conduct, Board Member Hartwell made a motion to adjourn the meeting. Board Member Hentzen seconded the motion. The motion passed.

The meeting adjourned at 2:00 p.m.